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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,734	11/06/2001	Catherine A. Haala	US 1295/01	4237

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EXAMINER	
BAUM, RONALD	

ART UNIT	PAPER NUMBER
2131	18

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/985,734	HAALA, CATHERINE A.	
	Examiner	Art Unit	
	Ronald Baum	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. This action is in reply to applicant's correspondence of 12 September 2003.

2. Claims 1-20 remain rejected.

Specification

3. The objection to the title of the invention descriptiveness is withdrawn.

4. The objection to the abstract of the invention descriptiveness is withdrawn.

5. The objection to the disclosure concerning the use of the trademarks Visa, Master Card, Discover, and American Express throughout the specification is withdrawn.

6. The objection to the disclosure concerning the use of following informalities: "anther" throughout the specification is withdrawn.

Claim Rejections - 35 USC § 112

7. The ***35 USC § 112*** rejection is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1- 4, 11, 12, 14-15, 17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over "Pilot smartcard to roll out next year", Computimes Malaysia (8 October 1998) in view of Polansky, U.S. Pre Grant Publication No. 2001/0045458, and further in view of "New System Speeds Travelers Through Immigration Points", The Oregonian, Oregonian Publishing Co., (May 25, 1997), and further in view of Hendry, Mike, Smart Card Security and Applications, Artech House, Inc., 1997, and further in view of "Towards a smartcard-using nation:[2* Edition]", New Straits Times (1 March 2000).

9. As per claim 1, Computimes Malaysia of 8 October 1998 (hereafter Malaysia) discloses the Malaysian multi purpose smart card including applications as national identity card, driving license, medical and immigration card. The card has a memory to store photo and thumbprints for biometric uses as well as application data or data for future applications.

Though the reference discloses the use of biometrics it does not disclose the specific details for implementing the smart card as part of the invention of claim 1.

Polansky discloses an identification card verification system with an associated method for authorization of a user during a transaction. The population relevant to processing of a transaction is those desiring the services provided by the card. [0006] discloses that each card has information stored relating to the user, constituting a profile, where a profile is defined as some field or fields of information relating to the card user. [0006] also states that an identifying biometric characteristic of an authorized user is stored in each card, in the form of a fingerprint. During the verifying step, the profile information as well as the biometric characteristic stored on the card is compared with a central database (see [0012]). The fingerprint is also obtained

directly from the cardholder ([0010-0011]) and compared with the pre-stored fingerprint in the database (see [0012]).

The Malaysia-Polansky combination fails to disclose obtaining the profile information from the user (step g of the claimed invention).

The examiner asserts that it is well known for INS officials to obtain profile information from passengers entering the United States in order to prevent criminals and illegal aliens from entering the country and official notice is taken of such.

Thus, the examiner asserts motivation exists to obtain profile information from a user in an automated as well as a non-automated environment as the problem in both environments would be the same.

The Oregonian of May 25, 1997 (hereafter Oregonian), discloses automated means to obtain profile information. The system functions to require answers to questions to be stored in a central database. After entering biometric information, the user is asked the same questions, and those answers are compared to the central database. Thus, means exist to obtain information from the user via an automated means (touch-screen data entry).

Therefore, the examiner asserts that one of ordinary skill in the art would have been motivated to modify the Malaysia-Polansky combination to include Oregonian's automated means for obtaining profile information from the user. The examiner takes note that the information from the Oregonian invention is stored in the central database. No discussion of storage of the profile information on the card is found.

However, as disclosed in Polansky, not only would the person of ordinary skill in the art have been concerned with authenticating the identification card user, but the identification card

as well, see paragraph 3. Thus, not only would the profile information be stored in a central database 44 but on the card 12 as well. Thus profile information would have been obtained from the card as well as from the central database.

The transaction is obstructed if either comparison is unsuccessful. Hence, Polansky's teachings conform to steps a-g) and j) of claim 1 of applicant's invention, while Oregonian teachings conform to step h). In the event that either comparison is unsuccessful, the fingerprint given by the user attempting verification may be stored and compared to other databases to facilitate apprehension (Polansky, [0036]).

Malaysia discloses the use of a smartcard in a national ID system including immigration and drivers license applications (Abstract). Polansky and Oregonian smart card and biometric system discloses using the smartcard of the invention for immigration applications in [Polansky, 0025]. As Malaysia doesn't disclose details needed to implement a smartcard based immigration application, and the smartcard immigration application of Polansky discloses such an implementation, the examiner asserts that, motivation exists for Polansky and Oregonian smart card and biometric system to be used as part of the multi-purpose smart card of Malaysia's immigration application system.

The multi-purpose smart card of the Malaysia and Polansky and Oregonian smart card combination fails to teach the use of determining an active or inactive status of the smart card (i.e., data device).

Hendry teaches of blocking and unblocking smartcards in lost, stolen, and misused card scenarios (pages 137- 139). When a card is determined to be stolen, misused, etc., the terminal or host computer can set flags that block the card per se, or an application associated with the card.

The card can later be reset, or made unblocked and active again based on some specific criteria (page 139, Block and Unblock paragraph). This corresponds to the invention of claim 1 data device being determined to be in an inactive and active status state.

The examiner asserts that it would have been obvious for one of ordinary skill in the art to make us of blocking feature of Hendry to make the smart card of the combination inactive if misuse were detected. Such misuse in the environment of immigration is illegal immigration using counterfeit identification. This misuse of the immigration system is well known and the examiner takes official notice of such. The examiner asserts one skilled in the art would have been motivated to block use of a counterfeit multipurpose card in other applications (i.e., drivers license and medical to prevent additional fraud. Hendry provides the obvious way to do so in the Malaysia- Polansky - Oregonian combination.

As per notification of authority, the examiner asserts that it would have been obvious to notify law enforcement authorities involved in use of drivers license (e.g., a police officer) and immigration (e.g., INS official) if an invalid card were being used or if the comparisons set forth in Polansky fails. In fact, Polansky discloses rejection of the card, see Fig. 1. The examiner asserts that it would have been obvious to let an official using the Polansky system knows that the card is rejected.

Alternately, the examiner argues that rejection of the card is notification that at least the comparisons in the combination failed.

Profile information is disclosed in Figure 5 of Polansky.

As per the *amended claim 1* limitation restricting the use of the method to *national security* as pertaining to *each person* in ***the*** *population of a country*, the Malaysia- Polansky-

Oregonian -Hendry combination fails to teach of the mandatory use of the smartcard ID in the entire population.

New Strait Times of 1 March 2000 (hereafter Malaysian2) discloses the Malaysian multi purpose smart card (of the "Malaysia" reference above) including applications as *mandatory* (each person in the population of a country) including a national identity card (3rd full paragraph) and immigration card.

The examiner asserts that it would have been obvious for one of ordinary skill in the art to make use of the Malaysian2 smart card in the national security environment for all persons in the population of a country, as applied to the Malaysia- Polansky- Oregonian -Hendry combination. The examiner asserts one skilled in the art would have been motivated to use the Malaysian2 smart card in the Malaysia- Polansky- Oregonian -Hendry combination because the card is used for automatic entry into or exit out of the country (8th from the end paragraph), and the move is also expected to simplify the public's dealings with the government (4th from the end paragraph), taken together to function as a national security mechanism (taking the phrase "national security" in the broadest possible definition).

Thus claim 1 is rejected in view of the Malaysia- Polansky- Oregonian -Hendry – Malaysian2 combination.

10. Referring to Claim 2, it is clear that verification of an authorized identity is required to negotiate a transaction in Polansky's invention. In the environment of Malaysian national identification system, the card would serve as identification for driver's license, immigration and medical environments. If the card were invalid due, for example to counterfeit, the examiner

asserts that blocking the card would block it's use in any subsequent application as the entire card is blocked, see page 139 of Hendry.

11. Referring to Claim 3, Law enforcement as the authority has been addressed above.

12. Referring to Claim 4, Polansky discloses various environments in which his ID card could be used such as E-commerce, credit center, and direct online business transactions. The examiner asserts that such an environment suggests the use of dollar values in the transactions. If credit is involved, the examiner respectfully asserts that the amount of the transaction would depend on what was being purchased. The cost could obviously be any amount including $100 or more.

13. Referring to Claim 11-12, it is well known that cards such as driving license and immigration are invalidated following either lapse of predetermined period (i.e., expiration) or an event such as a driving violation, criminal act, expiration of a VISA, and others. The examiner takes Official Notice that immigration cards, driver's licenses, or medical identification cards expire after predetermined periods. Motivation to make use of expiration in the Malaysia combination would have been for the same reason non-electronic versions of these cards are allowed to expire by authorities involved.

14. Claim 14 differs from claim 1 only in that the particular transaction is subsequent to an obstructed transaction. Multi-purpose smart card implemented using biometric system of Polansky- Oregonian as applied in the rejection of claim 1 would not alter the steps. Hendry discloses that the entire card or an application on the card can be blocked, see page 139. The examiner again notes that the smartcard of the Malaysia- Polansky- Oregonian -Hendry combination is multi-application. The different applications noted range from ATM, credit card,

e-commerce, POS, medical, immigration and driver's licenses. Thus different criteria for authentication could exist for each application, as the entities behind the application would be different. The examiner asserts that it would have been obvious that blocking one application would not necessarily result in blocking of others (e.g., blocking of the POS application does not mean that the user should be prohibited from using the ATM). Hendry provides the suggestion for blocking by application. If blocking by application were implemented, the examiner asserts that in order to use a subsequent application, the user would still have to be authenticated via comparisons of biometrics and profile information centrally stored, on the card, and obtained from his or her person.

15. As per claims 15, 16 the examiner asserts the given teaching by Malaysia of a multi application card and the disclosure in Polansky of other environments on which the identity card could be used, it would be obvious to add these other applications to the multi application card of Malaysia. Some applications disclosed by Polansky include ATM, POS and E-commerce [0025]. The examiner takes official notice that in an ATM environment, funds are presented for choice in pre-determined increments (i.e., 20, 40, 60). If the amount of funds available are inadequate for a first amount selected from the menu, the transaction would be obstructed and if a second amount requested during a subsequent visit to the ATM were more than the total amount of funds requested, this transaction would likewise be obstructed.

16. As per claim 17, the above-discussed combination clearly discloses use of a multiple application national identification card for the Malaysian population. The examiner asserts that the system using the national identification card is a national security system as it protects the citizens from fraudulent acts relating to immigration, driving, medical, ATM use, POS use, e-

commerce, etc. This card make use of pre-stored profile and identifying biometric characteristics which are compared stored on the card, stored centrally, and obtained from the card carrier. The information from the card, central location and from the person are all compared and used for authentication. Further, the combination suggests determining the activation status of the card, communicating the status to a predetermined authority, and preventing the transaction if the card is blocked or inactive.

Polansky discloses use of a card reader, see Figure 4. Polansky suggests a communication link between central database 44 and card reader 30. Figure 4 discloses comparisons units 64-70 as part of card reader 30.

17. Claims 5- 10, 13, 18- 20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Computimes Malaysia (8 October 1998) in view of Polansky, Oregonian and Hendry, as applied to claim 4 above, and further in view of Drexler et al. U.S. Patent No. 5,457,747.

Computimes discloses storage of fingerprint. Polansky discloses the use of biometric scanning device including fingerprint sensor 34. Polansky fails to disclose the use of retinal, voice or handprint as an identifying biometric characteristic. .

Drexler et al. disclose a card verification system that may use fingerprint, retinal, voice or handprint as the biometric characteristics for identification. See claims 14-18.

It would be obvious to include retinal, voice, or handprint as a type of biometric characteristic for identification in the combination of references since Drexler's invention demonstrates that any of those characteristics are suitable in a card verification system.

18. As per claim 6, Polansky discloses use of a magnetic codable card. [0007].

19. As per claim 7, use of name as profile information has been addressed above in the rejection of claim 1.

20. As per claim 8, the examiner asserts that given the teaching in the Malaysia- Polansky-Oregonian -Hendry combination of an identification card with multiple applications including immigration, medical driving license, etc., the person of ordinary skill in the art would have been motivated to use the national identification card for any transaction requiring identification. The examiner takes Official Notice that the various applications in claim 8 all require some form of identification. Thus it would have been obvious to make use these applications using the smartcard of the above combination.

21. As per claim 9, two of the applications identified in the above combination are POS and e-commerce transactions. The examiner asserts that it is well known in either type of transaction to retain information relating to the amount and identification of the parties involved in the transaction and take Official Notice of such. Motivation to store such information in the multiple application identification card would have been to maintain transaction logs of the user. Further, the examiner asserts that if multiple applications exist on the card, it would have been obvious to indicate to which category or application the transaction belongs.

22. As per claim 10, Hendry discloses the existence of a transaction log, for a smartcard, see p. 137-139. The examiner respectfully asserts that attempts to use a snartcard constitute a "transaction" in terms of Hendry. Thus any attempt to make use of the multiple application card would result in update of the transaction log associated with that card. Motivation to use this

feature would have been to keep authorities informed of invalid or fraudulent cards or of fraudulent use of valid cards.

23. Referring to Claim 13, the database accessed by Polansky may be in a remote location, accessed by wired, wireless, or Internet communication. Polansky notes in [0039] that his invention may connect to Internet ATM backbone (wired) or Cell Relay (wireless).

24. Claims 18, 19 correspond to claims 13, 5 respectfully, and are rejected on the same basis.

25. Claim 20 corresponds to claim 4, and is rejected on the same basis.

Response to Arguments

26. As per applicant's argument concerning the use of the smartcard in a national security environment as applied to the entire population of a country, the Malaysian2 reference clearly addresses that issue, while expanding upon the original reference (Malaysia reference), as described in the claim 1 rejection above.

27. As per applicant's argument concerning the Polansky reference concerning the use of card for barring the person per se, the examiner finds the applicants arguments not to be persuasive in that as a '103 combination rejection, the combination is what must address the invention (with the Malaysia, etc. 103 references).

In response to applicant's argument that there are no teachings in Malaysia or Polansky to combine their teachings, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the

test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

28. As per applicant's argument concerning the Malaysia reference concerning the failure of the teachings to provide sufficient details, the examiner finds the applicants arguments not to be persuasive in that as a '103 combination rejection, the details in combination is what must address the invention (with the Malaysia, etc. 103 references).

In response to applicant's argument that there are no teachings in Malaysia or Polansky to combine their teachings, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

29. As per applicant's argument concerning the Malaysia, Polansky, Oregonian references concerning the failure of the teachings to provide sufficient details concerning the profile aspects of the applicants invention, the examiner finds the applicants arguments not to be persuasive in that as a '103 combination rejection, the details in combination is what must address the invention (with the Malaysia, etc. 103 references).

In response to applicant's argument that there are no teachings in Malaysia, Polansky, or Oregonian to combine their teachings, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

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In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

30. As per applicant's argument concerning the Malaysia, Polansky, Oregonian, Hendry references concerning the failure of the teachings to provide sufficient details concerning the active or inactive status aspects of the token data device and the transaction disabling of the applicants invention, the examiner finds the applicants arguments not to be persuasive in that as a '103 combination rejection, the details in combination is what must address the invention (with the Malaysia, etc. 103 references).

In response to applicant's argument that there are no teachings in Malaysia, Polansky, Oregonian, or Hendry to combine their teachings, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

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In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

31. As per applicant's argument concerning the Malaysia, Polansky, Oregonian, Hendry references concerning the failure of the teachings to provide sufficient details concerning the insufficient or explicit funds (amounts) in a transaction versus the obstruction of the person per se aspects of the token data device and the transaction disabling of the applicants invention, the examiner finds the applicants arguments not to be persuasive in that as a '103 combination rejection, the details in combination is what must address the invention (with the Malaysia, etc. 103 references).

In response to applicant's argument that there are no teachings in Malaysia, Polansky, Oregonian, or Hendry to combine their teachings, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the

references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

28. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (703) 305-4276. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (703) 305-9648. The Fax number for the organization where this application is assigned is 703-872-9306.

Ronald Baum

Patent Examiner

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100